

REMARKS

Claims 1 – 3, 6 – 15, 18, 20 – 26, 29 – 50, 63 – 81, and 84 - 89 are pending. Claims 1, 8, 12, 15, 22, 23, 24, 26, 37, 39, 40, 44, 46, 47, 63, 66, 70, 73, 77, and 86 have been amended. No new matter has been added. Reconsideration and reexamination of the claims is respectfully requested.

In the October 19, 2006 Office Action, the Examiner rejected claims 1- 3, 6 – 15, 18-26, 29 – 50, 63 – 81, and 84 - 89 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application 2002/0161703 to Okamoto et al. ("the Okamoto reference") in view of U.S. Published Patent Application No. 2002/0116285 to Ito ("the Ito reference"). This rejection is respectfully traversed in so far as it is applicable to the presently pending claims.

Claim 12, as amended, recites:

A method of wireless communication, comprising:
 connecting a server system to a network;
 establishing a first wireless connection from an electronic device to a portable wireless device;
 establishing a second wireless connection to the network by the portable wireless device;
 transmitting payment information data via the first wireless connection from the portable wireless device to the electronic device;
 transmitting transaction data including the payment information data via the first wireless connection from the electronic device to the portable wireless device;
 transmitting the transaction data including the payment information from the portable wireless device and to the server system via the second wireless connection;
 receiving response data via the second wireless connection from the server system at the portable wireless device; and
 transmitting the response data from the portable wireless device to the electronic device via the first wireless connection.

The Examiner states that the Okamoto reference disclosed all of the previous

limitations of claim 12 except that data is transferred from the electronic device to the server. (*Office Action, page 3*). This applies to the highlighted limitations of **transmitting transaction data including the payment information via the first wireless connection from the electronic device to the portable wireless device and also transmitting the transaction data from the portable wireless device and to the server system via the second wireless connection.** The applicants agree with the Examiner and respectfully submit that claim 12, as amended, at least distinguishes over the Okamoto for this reason alone.

Claim 12, as currently amended, further distinguishes over the Okamoto reference. Specifically, the Okamoto reference discloses that the BT radio unit 105 of the mobile radio apparatus communicates with the BT unit of the vending machine and acquires the PIN code of the vending machine. The number of times the PIN code has been received is compared to a preset limit. The PIN code of the vending machine is then sent back from the BT radio unit to the vending machine. Then, the menu information from the vending machine is transmitted from the vending machine to the radio unit in response to the PIN code being submitted. The menu information is displayed on a display unit. The user then selects the commodity the user wants to purchase and the display unit prompts the user to input a code number which appears on the display unit of the mobile radio apparatus. The input code number is then compared to an electronic money code number stored in the UIM card of the mobile radio apparatus. If the input code number does not coincide with the electronic money code number, the process is ended. If the input code number coincides, then the system decides if the price of the commodity selected is equal or higher to the preset

amount of money. (*Okamoto, pages 3 and 4, paragraphs [0058 – 0070]*).

If the amount of money for the commodity is higher, then the mobile radio apparatus is connected to the electronic money server through the base station BS and public telecommunications server. Information on the necessary amount of electronic money to purchase the commodity is taken out from the bank account according to the user's identification information recorded in the UIM card. The vending machine receives the electronic money information from the mobile radio apparatus and is paid by the electronic money. After receiving the payment, the vending machine delivers the required commodity to the output and sends back information to the mobile apparatus information on the acceptance of selling the commodity. After the mobile radio apparatus receives information on the acceptance of selling the commodity from the vending machine VM information on the electronic money corresponding to the amount of user's dues is subtracted from the UIM card 114. (*Okamoto, page 4, paragraphs [0070 – 0073]*).

This is not the same as a method of a wireless communication including **transmitting payment information data via the first wireless connection from the portable electronic device to the electronic device, transmitting transaction data including the payment information via the first wireless connection from the electronic device to the portable wireless device, and transmitting the transaction data including the payment information from the portable wireless device and to the server system via the second wireless connection.** It is not the same because the Okamoto reference does not disclose that the electronic device transmits transaction information that is then passed from the portable wireless device to the

server system, as is recited in claim 12, as amended. In contrast, the Okamoto reference discloses only that the portable wireless device receives information from the vending machine regarding price, but never discloses that **transaction information** (or data) is passed through to a server system such as an electronic money server. In fact, the Okamoto reference discloses only that the portable radio unit communicates with a server system in regard to taking out money from an electronic money server and never discloses that a communication originates with an electronic device. Accordingly, applicants respectfully submits that claim 12, as amended, further distinguishes over the Okamoto reference.

The Ito reference does not make up for the deficiencies of the Okamoto reference. The Examiner states that Ito reference discloses that data is transmitted from an electronic device to a server in Fig. 3 and paragraphs 0039 – 0044. (*Office Action, page 3*). The applicants would first like to note that the Ito reference is disclosing that a mobile station communicates through a public land mobile network (PLMN) to a network accounting server connected to the PLMN. The network accounting server is what the Examiner refers to as the server. In addition, the Ito reference discloses that the mobile station communicates through the PLMN through a gateway, the Internet, and then to a vending server. In other words, the mobile station communicates to both the vending server (electronic device) and server via one wireless connection, i.e., the PLMN connection. This is completely opposite to the disclosed invention where the wireless device has one wireless connection to the electronic device and a second wireless connection to the server system. In the claimed invention, the vending machine has no internet connection and that is one of

the benefits of using the portable wireless device as the intermediary between the electronic device (i.e., vending machine) and server on the network.

The Ito reference does not disclose, teach, or suggest that a method of a wireless communication including **transmitting payment information data via the first wireless connection from the portable electronic device to the electronic device, transmitting transaction data including the payment information via the first wireless connection from the electronic device to the portable wireless device, and transmitting the transaction data including the payment information from the portable wireless device and to the server system via the second wireless connection**, as is recited in claim 12, as amended. In contrast, the Ito reference discloses that an invoice is generated at a vending server and sent to a wireless device via the Internet, a gateway, and the PLMN (i.e., a first wireless connection) and then the invoice is sent to the network accounting server through the same first wireless connection. In other words, the Ito reference discloses that one wireless connection is used to transfer invoice data from a vending server to a network accounting server whereas claim 12 recites a first wireless connection utilized between the electronic device and the portable wireless device and a second wireless connection utilized between the portable wireless device and the server system. Accordingly, applicants respectfully submits that claim 12 distinguishes over the Ito / Okamoto combination.

In addition, the applicants do not believe that there is any motivation or suggestion to combine the Okamoto and Ito references, i.e., the applicants believe that the Okamoto reference and the Ito reference are not properly combinable. The

applicants believe that the Ito reference teaches away from both the Okamoto reference and the claimed invention. In the Ito reference, the communication occurs from the portable wireless radio unit through a single wireless connection (the PLMN) to both a network accounting server and then to a vending server. In other words, there is no second wireless connection in the Ito reference. In contrast, in both the Okamoto reference and the claimed invention, there is a first wireless connection between the portable wireless device and the vending machine (electronic device) and a second wireless connection between the portable wireless device and the server.

Thus, the Ito reference is “teaching away” from both the Okamoto reference and the invention recited in claim 12, as amended. Teaching away from the art is a *per se* demonstration of the lack of prima facie obviousness. *In re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988). Accordingly, the applicant believes that the Ito reference and the Okamoto reference are not properly combinable. Because the references are not combinable, claim 12, as amended, further distinguishes over the Okamoto / Ito combination.

Independent claims recite limitations similar to claim 12, as amended. Accordingly, applicants respectfully submit that claims 1, 22, 37, 44, 63, 70, and 77 distinguish over the Okamoto / Ito combination.

Claims 2 – 3, 6 – 11, 13 – 15, 18, 20 – 21, 23 – 26, 29 – 36, 38 – 43, 45 – 50, 64 – 69, 71 – 76, 78 – 81, and 84 - 89 depend, indirectly or directly, on claims 1, 22, 37, 44, 63, 70, and 77. Accordingly, the applicants respectfully submit that claims 2 – 3, 6 – 11, 13 – 15, 18, 20 – 21, 23 - 26, 29 – 36, 38 – 43, 45 – 50, 64 – 69, 71 – 76, 78 – 81, and 84 - 89 distinguish of the Okamoto / Ito combination for the same reasons as those


discussed above in regard to claim 12, as amended.

Applicants believe that the foregoing amendments and place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 should the examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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